

# Exhibit 38

**Archived:** Tuesday, August 23, 2022 11:46:41 AM

**From:** [April Barker](#)

**Sent:** Wednesday, August 3, 2022 10:38:39 AM

**To:** [Walker, Leita \(Minn\)](#); [George Burnett](#)

**Cc:** [Kevin Vick](#); [Parsons, Emmy \(DC\)](#); [Kelley, Matthew E. \(DC\)](#); [Salomao Nascimento, Isabella \(Minn\)](#); [Meghan Fenzel](#)

**Subject:** Re: Follow up on documents mentioned at Plaintiff's depo

**Sensitivity:** Normal

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 **EXTERNAL**

Leita,

With respect to the first bullet point, I don't know off hand of documents that Mr. Colborn may have had in mind. If we identify documents that fit that description, we will advise.

With respect to the second bullet point, I am not certain what Mr. Colborn may have been attempting to describe, but independently of his testimony, we are aware of communications between the parties regarding a visit by Netflix representatives to Chrome's editing studio. Although my recollection is that those who were deposed claimed to have little if any recollection of the events at that visit, there may be a reasonable inference that could be drawn. We would have to give this further consideration before we would formally supplement interrogatory responses on this point, however.

I do not know the answer with respect to a possible list of phone numbers, and I will have to look into that.

With respect to the last two bullet points, I believe that we have now been provided those documents and they will be Bates stamped and produced shortly.

April

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**From:** Walker, Leita <WalkerL@ballardspahr.com>

**Sent:** Monday, August 1, 2022 3:43 PM

**To:** April Barker <abarker@sbe-law.com>; George Burnett <GB@lcojlaw.com>

**Cc:** Kevin Vick <kvick@jassylvick.com>; Parsons, Emmy <parsonse@ballardspahr.com>; Kelley, Matthew E. <KelleyM@ballardspahr.com>; Salomao Nascimento, Isabella <salomaonascimento@ballardspahr.com>; Meghan Fenzel <mfenzel@jassylvick.com>

**Subject:** Follow up on documents mentioned at Plaintiff's depo

Dear April and George,

During Mr. Colborn's deposition, he testified about a number of documents he either said he had previously seen or which he had provided to you. We have searched for these documents, but do not believe they were ever produced to us. As we noted during Mr. Colborn's deposition, we would request that you please promptly produce these documents, as they are clearly relevant to the litigation based on Mr. Colborn's deposition testimony. Those documents are:

- Vol. I Tr. 183:19-184:6 → Mr. Colborn testified that he believes he's seen "documents that did say that Netflix employees had a few transcripts of the criminal trial of Mr. Avery." We believe Mr. Colborn is mistaken, but to the extent any such documents exist, we would request that you produce them to us or supplement Mr. Colborn's discovery responses to identify them, to the extent the documents were produced in this litigation by Netflix or the Producer Defendants.
- Vol. I Tr. 184:7-20 → Mr. Colborn testified that he believes "my attorneys do have evidence that Netflix employees did view both civil and criminal . . . video of me testifying both in deposition and in [Avery's] criminal trial for the murder of Teresa Halbach," but was not sure whether that was raw footage or edited footage the filmmakers provided to Netflix. We do not believe any evidence that Netflix viewed or even received raw footage exists, but to the extent you have such evidence, we would request that you produce it to us or supplement Mr. Colborn's discovery responses to identify them, to the extent the documents were produced in this litigation by Netflix or the Producer Defendants.
- Vol. I Tr. 204:14-205:19 → Mr. Colborn testified that he "provided a list of all the phone numbers, including overseas numbers," for the anonymous calls he received. While we received recordings of the 89 voicemails, we do not have any such list and if it exists we request you produce it to us.
- Vol. II Tr. 262:23-264:5 → Mr. Colborn testified that he "printed [ ] out or emailed [ ] to my counsel" the Facebook post and comments of the individual who ran for mayor for the City of Green Bay, which he posted about Mr. Colborn after Mr. Colborn escorted this individual to the NICU. We would request that you produce those documents to us.
- Vol. II Tr. 277:18-279:23 → Mr. Colborn testified about an article by or involving Scotland Yard in which members of that investigative agency were interviewed and stated Mr. Colborn planted evidence. He testified that he may have provided his counsel with the article but if not that he would search for the article, and if it existed, he would provide it to us. We would request that you produce the article to us, to the extent it exists.

Please let us know when we can expect to receive these, or if there's any need for the parties to discuss.

**Leita Walker**

**Ballard Spahr**  
LLP

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[2000 IDS Center, 80 South 8th Street](#)

[Minneapolis, MN 55402-2119](#)

[612.371.6222](#) direct

[612.371.3207](#) fax

[walkerl@ballardspahr.com](mailto:walkerl@ballardspahr.com)

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[www.ballardspahr.com](http://www.ballardspahr.com)